

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 1, 2006
SAN FRANCISCO, CALIFORNIA**

S118561

A093424 First Appellate District,
A093649 Division Three

KINSMAN v. UNOCAL CORPORATION
Rehearing denied

Petition for rehearing or modification of opinion denied. Modification of the opinion is granted on the court's own motion.

S118561

A093424 First Appellate District,
A093649 Division Three

KINSMAN v. UNOCAL CORPORATION
Opinion modified - no change in judgment

S139791

H027519 Sixth Appellate District

PEOPLE v. CROSS

Petition for review granted; issues limited

Petition for Review granted. The issues to be briefed and argued are limited to the following: Did the court prejudicially err in instructing the jury that the victim's pregnancy or subsequent abortion could constitute great bodily injury within the meaning of Penal Code § 12022.7 and in failing to instruct the jury on the meaning of "personal infliction"?

Votes: George, C.J., Kennard, Werdegarr, Moreno, and Corrigan, JJ.

S140032

G034891 Fourth Appellate District,
Division Three

PEOPLE v. LICAS

Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S140064

A106960 First Appellate District,
Division One

VIVA INTERNATIONAL v. ADIDAS
PROMOTIONAL REAIL OPERATIONS INC.
Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S140544

E036456 Fourth Appellate District,
Division Two

CATHEDRAL CITY REDEVELOPMENT AGENCY
v. STICKLES

Review granted/briefing deferred (rule 29.1)

Petition for review granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *Mt. San Jacinto Comm. College Dist. v. Azusa Pacific University*, S132251 and *San Diego Metropolitan Transit Bd. v. RV Communities*, S133786 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S135631

B172506 Second Appellate District,
Division Five

PEOPLE v. BAYLOR

Dismissed per rule 29.3(b), and remanded to CA 2/5

In light of the decision in *People v. Partita*, (2005) 37 Cal.4th 428, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

S141245

MORALES (MICHAEL A.) ON H.C.

Dismissed as moot

The Petition for Writ of Habeas Corpus and Emergency Request for Stay of Execution, filed herein on February 21, 2006, is dismissed as moot as to the cancelled February 21 execution, and premature as to any yet unscheduled execution. This order is without prejudice to petitioner filing a renewed petition within 10 days after any new execution date is set.

S074569

HART (JOSEPH W.) ON H.C.

Petition for writ of habeas corpus denied

The petition for a writ of habeas corpus, filed November 6, 1998, is denied, as follows. Claims A, B, and C are denied on the merits. In addition, each of these claims is barred as

untimely under *In re Robbins* (1998) 18 Cal.4th 770 (Robbins), and *In re Clark* (1993) 5 Cal.4th 750 (Clark).

Claim D is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is procedurally barred under *In re Waltreus* (1965) 62 Cal.2d 218, 225. To the extent the claim is based upon the record, it could and should have been raised on appeal and hence is barred under *In re Dixon* (1953) 41 Cal.2d 756, 759. In addition, the claim is barred as untimely under *Robbins, supra*, and *Clark, supra*.

Claim E is denied on the merits. To the extent this claim is based upon the record, it could and should have been raised on appeal and hence is barred under *Dixon, supra*, 41 Cal.2d 756, 759. In addition, the claim is barred as untimely under *Robbins, supra*, and *Clark, supra*.

Claims F and G are denied on the merits. In addition, each of these claims is barred as untimely under *Robbins, supra*, and *Clark, supra*.

Claims H and I are denied on the merits. To the extent these claims are based upon the record, they could and should have been raised on appeal and hence are barred under *Dixon, supra*, 41 Cal.2d 756, 759. In addition, each of these claims is barred as untimely under *Robbins, supra*, and *Clark, supra*.

Claim J is denied on the merits. In addition, this claim is barred because it was not presented to the trial court. (*In re Seaton* (2004) 34 Cal.4th 193, 198-201, and fn. 4.) In addition, the claim is barred as untimely under *Robbins, supra*, and *Clark, supra*.

Claim K is denied on the merits. To the extent this claim is based upon the record, it could and should have been raised on appeal and hence is barred under *Dixon, supra*, 41 Cal.2d 756, 759. In addition, the claim is barred as untimely under *Robbins, supra*, and *Clark, supra*.

Claims L and M are denied on the merits.

Claims N, O, P, and Q are denied on the merits. In addition, each of these claims is barred as

untimely under *Robbins, supra, and Clark, supra*.

Werdegar, J., would not apply the *Seaton* bar to Claim J.

Kennard, J., would not deny the petition as untimely.

S139160

B180414 Second Appellate District,
Division Three

HODGE (ARBBIE M.) ON H.C.

Petitions for review denied

S139672

B177852 Second Appellate District,
B180696 Division Three

ARCHBISHOP OF LOS ANGELES v. S.C. (PEOPLE)

Petitions for review denied

S139695

F048836 Fifth Appellate District

CLAIBORNE (DENNIS) ON H.C.

Petition for review denied

S139714

B187533 Second Appellate District,
Division Seven

MORENO (JULIAN) ON H.C.

Petition for review denied

George, C.J., was recused and did not participate.

S139793

B176739 Second Appellate District,
Division Four

PEOPLE v. MALDONADO

Petition for review denied

S139868

B174858 Second Appellate District,
Division Three

PEOPLE v. VEGA

Petitions for review denied

S139876

B187252 Second Appellate District,
Division Three

QUINTANILLA (CARLOS) ON H.C.

Petition for review denied

S139877

H027446 Sixth Appellate District

PEOPLE v. REED

Petition for review denied

S139888

A105111 First Appellate District,
Division Three

PEOPLE v. BAXTER

Petition for review denied

Corrigan, J., was recused and did not participate.

S139894

B176767 Second Appellate District,
Division Five

PEOPLE v. HIGUERA

Petitions for review denied

S139909

B187437 Second Appellate District,
Division Two

BUENO (MANUEL) ON H.C.

Petition for review denied

S139936

E034759 Fourth Appellate District,
E035863 Division Two

PEOPLE v. CRESPI

Petition for review denied

S139947

B179834 Second Appellate District,
Division Five

PEOPLE v. MEDINA

Petition for review denied

S139951

B177585 Second Appellate District,
Division Eight

PEOPLE v. AQUINO

Petition for review denied

S139978

B175346 Second Appellate District,
Division One

PEOPLE v. POE

Petition for review denied

S140010

B110119 Second Appellate District,
Division Two

PEOPLE v. WELLS

Petition for review denied

S140015

B177369 Second Appellate District,
Division Two

PEOPLE v. OWENS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140026

B177443 Second Appellate District,
Division Four

PEOPLE v. ROMAN

Petition for review denied

S140027

B179758 Second Appellate District,
Division Four

PEOPLE v. NGUYEN

Petition for review denied

S140028

B174144 Second Appellate District,
B179011 Division Three

PEOPLE v. CHAN

Petition for review denied

S140031

H027708 Sixth Appellate District

PEOPLE v. HUFFMAN

Petition for review denied

S140041

H029643 Sixth Appellate District

SALAZAR (JUAN) ON H.C.

Petition for review denied

S140069

C051389 Third Appellate District

JONES (WILLIE RAY) ON H.C.

Petition for review denied

S140093

H027495 Sixth Appellate District

PEOPLE v. LANGHORNE

Petition for review denied

S140102

H029230 Sixth Appellate District

LANGHORNE (WILLIAM BRYON) ON H.C.

Petition for review denied

S140117

B174613 Second Appellate District,
Division Four

PEOPLE v. GARCIA

Petition for review denied

S140128

F046592 Fifth Appellate District

PEOPLE v. GRADY

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140170

F046540 Fifth Appellate District

PEOPLE v. GLASS

Petition for review denied

S140258

A112236 First Appellate District,
Division Five

DUTRA (DAVID) ON H.C.

Petition for review denied

Corrigan, J., was recused and did not participate.

S140283

B180650 Second Appellate District,
Division Four

CLARK (LAMOND D.) ON H.C.

Petition for review denied

S140292

B173182 Second Appellate District,
Division Four

PEOPLE v. CLARK

Petition for review denied

S140431

H028434 Sixth Appellate District

MANCINI v. COUNTY OF SANTA CRUZ

Petition for review & publication request denied

S140451

C047025 Third Appellate District

PEOPLE v. DYER

Petitions for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140503

C051379 Third Appellate District

NETTLES (GARYON TRACY) ON H.C.

Petition for review denied

S140538

B176720 Second Appellate District,
Division Five

JONES v. LOS ANGELES COUNTY OFFICE OF
EDUCATION

Petition for review & depublication request denied

S140539

C048784 Third Appellate District

KEYES v. WRIGHT

Petition for review denied

S140555

A104728 First Appellate District,
Division One

PEOPLE v. MARTINEZ

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140560

A104380 First Appellate District,
Division Three

PEOPLE v. HUGHES

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

Corrigan, J., was recused and did not participate.

S140561

B180517 Second Appellate District,
Division One

PEOPLE v. GANDY

Petitions for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140562

F046421 Fifth Appellate District

PEOPLE v. YNCLAN

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140563

B178807 Second Appellate District,
Division Five

PEOPLE v. OSEGUEDA

Petition for review denied

S140564

C051640 Third Appellate District

JONES v. S.C. (PEOPLE)

Petition for review denied

S140568

H028599 Sixth Appellate District

PEOPLE v. ROMAYOR

Petition for review denied

S140569D044833 Fourth Appellate District,
Division One

PEOPLE v. JOHNSON

Petition for review denied

S140570B180119 Second Appellate District,
Division Three

PEOPLE v. JONES

Petition for review denied

S140572

H028413 Sixth Appellate District

PEOPLE v. CHAVEZ

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140574

H028905 Sixth Appellate District

PEOPLE v. SIEGFRIED

Petition for review denied

S140578D042489 Fourth Appellate District,
Division One

WIGINGTON v. WILL

Petition for review denied

S140580

H028274 Sixth Appellate District

GUR, MARRIAGE OF

Petition for review denied

S140582

H028438 Sixth Appellate District

PEOPLE v. KEO

Petition for review denied

S140583A109137 First Appellate District,
Division Five

HOWARD v. DOLAN

Petition for review denied

S140586

D044655 Fourth Appellate District,
Division One

PEOPLE v. MCMILLAN

Petition for review denied

S140588

B177649 Second Appellate District,
Division Six

PEOPLE v. VALDIVIA

Petition for review denied

S140590

C048585 Third Appellate District

PEOPLE v. CRAWFORD

Petition for review denied

S140596

B173670 Second Appellate District,
Division Eight

PEOPLE v. TAYLOR

Petitions for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140603

F048138 Fifth Appellate District

M. (L.), IN RE

Petition for review denied

S140606

E037969 Fourth Appellate District,
Division Two

PEOPLE v. LANG

Petition for review denied

S140609

B178213 Second Appellate District,
Division Three

PEOPLE v. WILLIAMS

Petition for review denied

S140617

D045277 Fourth Appellate District,
Division One

PEOPLE v. FELIX

Petition for review denied

S140621

B179286 Second Appellate District,
Division One

PEOPLE v. WARD

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140622

C046627 Third Appellate District

PEOPLE v. MATHIS

Petition for review denied

S140623

C048916 Third Appellate District

PEOPLE v. MCCONICO

Petition for review denied

S140630

B175808 Second Appellate District,
Division Seven

STAFFORD v. DORR

Petition for review denied

S140635

D044521 Fourth Appellate District,
Division One

PEOPLE v. POWELL

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140636

B179488 Second Appellate District,
Division Five

WATSON v. LOS ANGELES, CITY OF

Petition for review denied

S140637

B183670 Second Appellate District,
Division Four

PEOPLE v. RIDDLE

Petition for review denied

S140641

F047968 Fifth Appellate District

PEOPLE v. MORRIS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140644B186634 Second Appellate District,
Division Six

SERRANO v. W.C.A.B. et al.

Petition for review denied

S140645

F047246 Fifth Appellate District

E & J GALLO WINERY v. W.C.A.B (DYKES)

Petition for review denied

Kennard and Werdegarr, JJ., are of the opinion the petition should be granted.

S140650

C047188 Third Appellate District

PEOPLE v. HULL

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140655A107823 First Appellate District,
Division Two

PEOPLE v. JONES

Petition for review denied

S140656

C051216 Third Appellate District

BLANAS, AS SHERIFF ETC., v. A.B.C.
(99 CENTS ONLY STORES et al.)

Petition for review denied

S140658

D045699 Fourth Appellate District,
Division One

BATES v. MALVESTUTO

Petition for review denied

S140660

D046093 Fourth Appellate District,
Division One

GILLMANN v. DOUZDJIAN

Petition for review denied

S140662

A109112 First Appellate District,
Division Three

PEOPLE v. WHITTEN

Petition for review denied

S140665

A107519 First Appellate District,
Division Five

PEOPLE v. STEPHENS

Petition for review denied

S140667

B179659 Second Appellate District,
Division One

PEOPLE v. AYALA

Petition for review denied

S140669

F046928 Fifth Appellate District

PEOPLE v. HOLGUIN

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140675

F045889 Fifth Appellate District

PEOPLE v. GUERRERO

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140678A107658 First Appellate District,
Division One

PEOPLE v. SHIVERS

Petition for review denied

S140682A110528 First Appellate District,
Division Four

D. (KIMBERLY), IN RE

Petition for review denied

S140684

H028026 Sixth Appellate District

PEOPLE v. CHAIREZ

Petition for review denied

S140687

H028516 Sixth Appellate District

DOREL INDUSTRIES v. S.C. (JACKSON)

Petition for review & depublication request denied

Kennard, J., is of the opinion the petition should be granted.

Chin, J., was recused and did not participate.

S140695

C044161 Third Appellate District

PEOPLE v. CENICEROS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

S140697
C048910 Third Appellate District

D. (CHLOE), IN RE
Petition for review denied

S140701
B181187 Second Appellate District,
Division Eight

DOMEL v. NEWHALL LAND AND FARMING
COMPANY
Petition for review denied

S140702
A110347 First Appellate District,
Division Three

PEOPLE v. BRISENO
Petition for review denied

Corrigan, J., was recused and did not participate.

S140749
B181759 Second Appellate District,
Division Eight

KALSKI v. LOS ANGELES, COUNTY OF
Petition for review denied

S140756
F046445 Fifth Appellate District

SMITH v. DAN GAMEL INCORPORATED
Petition for review denied

Baxter and Corrigan, JJ., were recused and did
not participate.

S140799
G034595 Fourth Appellate District,
Division Three

PEOPLE v. ZARATE
Petition for review denied

S140800
B181115 Second Appellate District,
Division Eight

PEOPLE v. LOPEZ
Petition for review denied

S140802
B180254 Second Appellate District,
Division One

PEOPLE v. SIMMS
Petition for review denied

S140814
B177565 Second Appellate District,
Division Five

W. (TRAMAINE), IN RE
Petition for review denied

S141004

B188480 Second Appellate District,
Division Four

WILLIAMS v. S.C. (PEOPLE)

Petition for review denied

S141006

B188481 Second Appellate District,
Division Four

WILLIAMS v. S.C. (PEOPLE)

Petition for review denied

S141239

B188885 Second Appellate District,
Division Five

POPE v. S.C. (CARRIGAN)

Petition for review denied

Chin and Moreno, JJ., is of the opinion the
petition should be granted.

S141370

B188961 Second Appellate District,
Division Six

PEOPLE v. WILLIAMS

Petition for review and application for stay denied

S140350

C048145 Third Appellate District

PEOPLE v. SANDERS

Publication request denied

S140447

B170968 Second Appellate District,
Division Seven

MYERS v. FOBI

Publication request denied

S140466

C046134 Third Appellate District

SHEETS, MARRIAGE OF

Publication request denied

S140602

H027871 Sixth Appellate District

CHEN v. LEE

Publication request denied (case closed)

S050583

PEOPLE v. HOWARD (DEMETRIUS)

Extension of time granted

to April 28, 2006 to file appellant's reply brief.

S091915

PEOPLE v. NUNEZ & SATELE

Extension of time granted

to April 28, 2006 to file appellant Satele's opening brief.

S139073

A111923 First Appellate District,
Division One

ELKINS v. S.C. (ELKINS)

Extension of time granted

on application of Respondent Contra Costa County Superior Court and good cause appearing, it is ordered that the time to serve and file respondent's return is extended to April 3, 2006.

S139073

A111923 First Appellate District,
Division One

ELKINS v. S.C. (ELKINS)

Extension of time granted

on application of Real Party in Interest Marilyn Elkins and good cause appearing, it is ordered that the time to serve and file real party in interest's return is extended to April 3, 2006.

S139917

A108641 First Appellate District,
Division Five

PROFESSIONAL ENGINEERS IN CALIFORNIA

GOVERNMENT, et al., v. MORALES, et al.,

(CALTROP ENGINEERING CORPORATION, et al.)

Extension of time granted

on application of plaintiffs and appellants and good cause appearing, it is ordered that the time to serve and file the appellants' opening brief on the merits is extended to April 10, 2006.

S139323

DAVIS ON DISCIPLINE

Order filed

Due to an oversight by the State Bar, the order filed on February 10, 2006, is corrected nunc pro tunc to provide that the disciplinary recommendations of the Hearing Department of the State Bar Court in its order approving stipulation filed on September 30, 2005, are approved. All other terms and conditions remain the same.

S140063SANTANA, ACCUSATION OF
Petition denied**S140334**BRODY, ACCUSATION OF
Petition denied**S140399**RAHGOSHAY, ACCUSATION OF
Petition denied**S140519**HIRAMOTO, ACCUSATION OF
Petition denied**S139935**STRONG ON DISCIPLINE
Recommended discipline imposed

It is ordered that **ROGER ALAN STRONG, State Bar No. 106390**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for two years as recommended by the Hearing Department of the State Bar Court in its decision filed October 3, 2005, as clarified by its order filed October 25, 2005, and as modified by its order filed November 1, 2005; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. **Roger Alan Strong** is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that **Roger Alan Strong** take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further

ordered that **Roger Alan Strong** comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and are enforceable both as provided in Business and Professions Code § 6140.7 and as a money judgment.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S139937

SNEATHERN ON DISCIPLINE

Recommended discipline imposed

It is ordered that **CHARLES D. SNEATHERN, State Bar No. 54964**, be suspended from the practice of law for two years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed November 9, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10, and one-half of said costs must be paid with membership fees for the years 2007 and 2008. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar

Court pursuant to Business and Professions Code § 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code § 6140.7 and as a money judgment.

S139939

STIRLING ON DISCIPLINE

Recommended discipline imposed

It is ordered that Scot Douglas Stirling, State Bar No. 188063, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for seven years on condition that he be actually suspended for one year. Respondent is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on October 28, 2005. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar, and one seventh of those costs must be added to and become a part of respondent's annual State Bar membership fees for the years 2007, 2008, 2009, 2010, 2011, 2012, and 2013. (Bus. & Prof. Code, § 6086.10.)

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S141329**HALL ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **TROY ALAN HALL, State Bar No. 165939**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S141330**LYONS ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **GREGORY S. LYONS, State Bar No. 114037**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S141331**ATKINS ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of **JENNIFER BARCLAY ATKINS, State Bar No. 199830**, as member of the State Bar of California is accepted.

S141333

BOYD ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **WILLIAM JAMES BOYD, State Bar No. 117534**, as a member of the State Bar of California is accepted.

S141334

DAHL ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **JOHN EDWARD DAHL, State Bar No. 94927**, as a member of the State Bar of California is accepted.

S141335

DAHLQUIST ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **JACQUELINE R. DAHLQUIST, State Bar No. 176976**, as a member of the State Bar of California is accepted.

S141336

YOUNG ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **ALLAN ROBERT YOUNG, State Bar No. 170391**, as a member of the State Bar of California is accepted.

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MARCH 7 and 8, 2006**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom, located at 350 McAllister Street, Fourth Floor, San Francisco, California, on March 7 and 8, 2006.

TUESDAY, MARCH 7, 2006 – 9:00 A.M.

- | | |
|---------|---|
| S128248 | John B. v. Superior Court of Los Angeles County
(Bridget B., Real Party in Interest)
<i>(To be called and continued to April 2006 calendar)</i> |
| S131818 | San Francisco Firefighters Local 798 v. City & County of San Francisco et al. |
| S123474 | People v. McGee (James) |

1:30 P.M.

- | | |
|---------|------------------------------|
| S129794 | Stephens v. County of Tulare |
| S129755 | People v. Standish (Jared) |

WEDNESDAY, MARCH 8, 2006 – 9:00 A.M.

- | | |
|---------|--|
| S122590 | In re Freeman (Fred) on Habeas Corpus
<i>(Chin and Corrigan, JJ., not participating; Boland and Haller, JJ., assigned justices pro tempore)</i> |
| S126780 | Californians for an Open Primary v. McPherson (Legislature of the State of California, Real Party in Interest) |
| S130174 | People v. Thompson (Daniel) |

1:30 P.M.

- | | |
|---------|---|
| S126397 | City & County of San Francisco et al. v. Cobra Solutions Inc., et al.
<i>(Wordage, J., not participating; Epstein, J., assigned justice pro tempore)</i> |
| S119230 | People v. Johnson (John) |

Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with rule 18(c) of the California Rules of Court.

